

Appl. No. 09/703,809  
Amdt dated: December 1, 2004  
Reply to Final Office Action of October 1, 2004

### **REMARKS/ARGUMENTS**

Claims 86-95 and 97-106 are pending in this Application. The Office Action mailed on October 1, 2004, includes the following rejections:

1. Claims 86, 89, 97, 100, 103 are objected to because of informalities.
2. Claims 86-88, 90, 91, 93-99, 101, 102, and 104-106 are rejected under 35 U.S.C. 112, first paragraph.

Applicants respectfully address the basis for each of the Examiner's rejections below.

#### **Objections to the Claims**

Applicant has amended claims 86, 89, 97, 100 and 103 to overcome certain informalities. No new matter is included by this amendment and withdrawal of the objection is respectfully requested.

#### **Rejections under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph, Written Description**

Claims 86-88, 90, 91, 93-99, 101, 102, and 104-106 have been rejected under 35 U.S.C. § 112. The claims as amended overcome the rejection. Additionally, in regards to transcription factors, Applicant strongly disagrees with the assertion that there is insufficient written description and information available in the art regarding structure/function relationships for claiming protein variants as disclosed and claimed by the present applicant.

The present invention clearly discloses detailed, conserved features of the testis specific DNA binding transcription factor in the specification. Additionally, the scope of the current claims is supported by the numerous known structural features of transcription factors that have been compared in the present application and by others and serve as the basis for numerous structure/function studies. Many of these transcription factors have even been crystallized and domains compared.

A skilled artisan knows that most transcription factors include one or more specific motifs or conserved regions for interaction with DNA, e.g., zinc finger, helix-turn-helix, leucine

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zipper and helix-loop-helix. As such, computational molecular biology tools, e.g., motif-finding algorithms, are currently used in the art to predict transcription factor and transcription factor binding site using sequence data. However, the skilled artisan need not rely on such tools, as the present specification teaches the structure, location and function in the form of detailed, conserved features of the testis specific DNA binding transcription factor disclosed and claimed herein. Applicant strongly asserts that there is sufficient written description and information available in the art regarding structure/function relationships for claiming protein variants as disclosed and claimed by the present applicant. Therefore, withdrawal of the rejection and allowance of the claims is respectfully requested.

**Rejections under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph, Enablement**

Claims 86-88, 90, 91, 93-99, 101, 102 and 104-106 have been rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph for lack of enablement. The claims have been amended to include a testis specific DNA binding transcription factor, which is enabled throughout the specification, e.g., pages 46-47 and FIG 10. As part of a common nucleus of facts, the above discussion is incorporated herein by reference. Therefore, withdrawal of the rejection and allowance of the claims is respectfully requested.

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### Conclusion


In light of the remarks and arguments presented above, Applicants respectfully submit that the claims in the Application are in condition for allowance. Favorable consideration and allowance of the pending claims 86-95 and 97-106 are therefore respectfully requested.

This Response is filed within the three-month period, as such no fee is currently due.

Dated this December 1, 2004.

Respectfully submitted,

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